



# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss  
Vale

on

**Wednesday 10 October 2018**

The meeting commenced at 3.30 pm

*File No. 100/2018*

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<b>3. PRAYER</b>	
<b>4. APOLOGIES</b>	
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**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 10 OCTOBER 2018 COMMENCING AT 3.30 PM**

**Present:** Clr T D Gair (Mayor in the Chair)  
Clr G J Andrews  
Clr K J Halstead  
Clr G McLaughlin  
Clr G Markwart  
Clr P W Nelson  
Clr I M Scandrett  
Clr L A C Whipper

**In Attendance:** General Manager Ms Ann Prendergast  
Deputy General Manager Operations, Finance and Risk Mr Barry W Paull  
Acting Deputy General Manager Corporate Strategy and Development Services Mr Nicholas Wilton  
Group Manager Corporate and Community Ms Danielle Lidgard  
Coordinator Strategic Land Use Planning (in part) Mr Michael Park  
Coordinator Media and Communications Mr David Sommers  
Administration Officer Ms Elizabeth Johnson

## 1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public.

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## 2. ACKNOWLEDGEMENT OF COUNTRY

Clr K J Halstead acknowledged country:

*"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."*

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## 3. PRAYER

The meeting was led in prayer by Pastor Donna Jensen, Connect Church Moss Vale.

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#### 4. APOLOGY

It was noted that an apology had been received from Deputy Mayor Clr G M Turland.

PERS

**MN 406/18**

**MOTION** moved by Clr L A C Whipper and seconded by Clr G McLaughlin

**THAT** the apology of Deputy Mayor Clr G M Turland be accepted and leave of absence granted.

**PASSED**

**Dissenting vote:** Clr I M Scandrett requested that his dissenting vote be recorded in respect of this motion.

#### 5. CONFIRMATION OF MINUTES

100/1

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY  
26 SEPTEMBER 2018

Clr I M Scandrett asked for a correction to the Minutes on page 3 in relation to the note at the bottom of the page regarding his request for his dissenting vote to be recorded. He advised that he did make the request by raising his hand.

The General Manager advised that if a Councillor wished to have his dissenting vote recorded [in the Minutes], then the Councillor needs to speak into the microphone so that the Minutes are correct.

The Mayor T D Gair advised that the Minutes are correct in this regard.

Clr I M Scandrett referred to page 11 and noted that the recording of the voting at the bottom of the page indicates that the Mayor, Clr McLaughlin and Clr Nelson voted for the Amendment, but it was actually just Clr McLaughlin and Clr Nelson who voted for the Amendment. Clr Scandrett advised that he had checked his notes and that he is being precise on the voting.

The Mayor T D Gair advised that he will go on the official recording of the Minutes and that they are correct.

Clr I M Scandrett referred to the motion on page 15 for the meeting to be adjourned for five (5) minutes and stated that the motion was actually moved by himself and seconded by Clr K J Halstead.

The Mayor T D Gair asked if the records could be checked, and subject to that the Minutes will be corrected.

Clr G Markwart noted a missing “M” off the surname of Clr McLaughlin on page 11.

The Mayor T D Gair asked if the Minutes could be corrected.

### **MN 407/18**

**MOTION** moved by Clr L A C Whipper and seconded by Clr G McLaughlin

***THAT the minutes of the Ordinary Meeting of Council held on Wednesday 26 September 2018 MN 374/18 to MN 405/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the exception on the following amendments:***

- 1. The Motion on page 15 of the Minutes be corrected as being moved by Clr I M Scandrett and seconded by Clr K J Halstead.***
- 2. A correction to Clr G McLaughlin's surname on page 11 by adding an “M”.***

**PASSED**

## **6. BUSINESS ARISING**

- ELECTION OF MAYOR AND DEPUTY MAYOR** 102/4, 102/1

Clr I M Scandrett referred to the Election of the Mayor and Deputy Mayor and noted that the Minutes record, quite precisely, the nominations but not who seconded the nominations. Clr Scandrett further noted that the numbers of the ballots and that the ballots would be destroyed were recorded. He asked why the nominator and the seconder of the nominations for the positions of Mayor and Deputy Mayor were not recorded.

The General Manager advised that she was the Returning Officer and ensured that she was fully informed of all of the requirements of a Returning Officer, and that she made sure that she followed them to letter, as she was fully aware of the questions that could be raised. The General Manager advised that there was no requirement to read out who nominated who, but there was a requirement to notify that the nominations were duly completed and accepted.

Clr I M Scandrett advised that it was not a criticism but that he was just asking the question.

The Mayor T D Gair advised that Clr Scandrett could raise this at the next term's elections.

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2. DECLARATIONS OF INTEREST

101, 101/3, 101/3.1

Clr G McLaughlin referred to page 4 of the Minutes under Declarations of Interest and the comment made by Clr Scandrett. Clr McLaughlin asked if the Councillor could give an apology for this comment. Clr McLaughlin noted that Clr Scandrett has a DA on the Business Paper for this meeting and that if Councillors refused that DA, then he [Clr Scandrett] had the right to go the Land and Environment Court.

The Mayor T D Gair advised that he took Clr McLaughlin's point but noted that this is in relation to business arising from the Minutes of the last Council Meeting and not what is listed on the Business Paper today.

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3. DEPUTY MAYORAL ELECTION

101/2

Clr G Markwart referred to the Deputy Mayoral election. He advised that he, as a member of the Greens Party, and also the Labor Party, do not support developers on Council, and noted that he does not personally have any issue with Clr Turland being on Council. Clr Markwart stated that he just wanted to raise the fact that six Councillors supported a developer as Deputy Mayor on the Council and that he does have a bit of concern with that.

The Mayor T D Gair thanked Clr Markwart for his comment.

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## 7. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

101/3, 17/0775

Clr I M Scandrett declared a pecuniary interest in Item 13.4 - DA 18/0775 – Farm Building (Shed) – 144 Broughton Road, Werai – Lot 1 DP 804846 - as it relates to a 2-bay extension to his old dairy for the storage of his tractor and farm machinery. He stated that would be absent from the Chambers for consideration of that item.

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101/3, 5302, LUA09/1157.05

Clr I M Scandrett declared a pecuniary interest in Item 13.2 – Development Applications Received from 5 September 2018 to 3 October 2018 – No 68 - as this involves modifications to his home. He stated that he would be absent from the Chambers for consideration of that item.

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101/3.1, 17/1365

Clr G J Andrews declared a significant non-pecuniary interest in Item 10.1 - DA17/1365 - Demolition of Existing Dwellings and Erection of New Health Services Facility Comprising Hospice and Medical Centre - 104-106 Bowral Street, Bowral - as his daughter is PA to the owner of the property. He stated that he would be absent from the Chambers for consideration of that item.

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101/3.1, LUA03/2011.05

Clr G J Andrews declared a less than significant non-pecuniary interest in Item 13.3 - Section 4.55 Application 03/2011.05 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP 751275 and Lot 2 DP 531503, Wombeyan Caves Road, High Range - as one of the objectors ran second on his group for the 2016 election. He stated that he would remain in the Chambers when this matter was discussed and take part in the debate and voting thereon.

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101/3.1, 5302, 19/0531

Clr K J Halstead declared a less than significant non-pecuniary interest in Item 13.2 - Development Applications Received from 5 September 2018 to 3 October 2018 – No 103 - as he and his wife are the owners of the property. He stated that he would be absent from the Chambers for consideration of that item.

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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101/3.1, 5302, 19/0471

The Mayor T D Gair declared a less than significant non-pecuniary interest in Item 13.2 - Development Applications Received from 5 September 2018 to 3 October 2018 – No 63 - as the property is owned by his son and daughter-in-law. He stated that he would be absent from the Chambers for consideration of that item. The Mayor advised that he would ask Cllr K J Halstead to take the Chair for this item.

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## **8. MAYORAL MINUTES**

There were no Mayoral Minutes at this Meeting.

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## 9. PUBLIC FORUM

LUA03/2011.05

ITEM 13.3 - SECTION 4.55 APPLICATION LUA03/2011.05 TO MODIFY DEVELOPMENT CONSENT LUA03/2011 - BULK WATER EXTRACTION AND STORAGE SHED / STAFF AMENITIES, LOT 85 DP 751275 AND LOT 2 DP 531503, WOMBEYAN CAVES ROAD, HIGH RANGE

Mr Scott Lee, representing the Applicant, requested and was granted approval to address Council on this item which is listed on the Agenda.

The Mayor T D Gair thanked Mr Lee for his comments, noting that the matter will be dealt with later in the Meeting.

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COMMITTEE OF THE WHOLE

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107/10

**MN 408/18**

**MOTION** moved by Clr G McLaughlin and seconded by Clr I M Scandrett

**THAT** in accordance with Section 373 of the Local Government Act, 1993, Council moves into Committee of the Whole to consider various matters detailed in the Agenda with the Mayor Clr T D Gair remaining in the Chair.

**PASSED**

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## 10. VISITOR MATTERS

### OPERATIONS

There were no Visitor Matters – Operations – at this Meeting.

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## CORPORATE AND STRATEGY

### 10.1 DA17/1365 - Demolition of Existing Dwellings and Erection of New Health Services Facility Comprising Hospice and Medical Centre - 104-106 Bowral Street, Bowral

Reference:	17/1365
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	APP Corporation
Owner:	Nicholas Hartnell
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

#### PURPOSE

The purpose of this report is to consider Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical centre, at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent.

Interest: Cllr G J Andrews declared a significant non-pecuniary interest in this matter as his daughter is PA to the owner of the property. He left the chamber, the time being 3.50 pm, took no part in the debate and refrained from voting on the matter.

Mr Rodney Cavalier, an objector, addressed Council on this matter.

Ms Carisa Wells, representing the applicant, addressed Council on this matter.

The Acting Deputy General Manager Corporate, Strategy and Development Services addressed Council on this matter.

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

**MN 409/18**

**MOTION** moved by Clr G McLaughlin and seconded by Clr K J Halstead

**THAT** Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical Centre at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral be **REFUSED** for the following reasons:

- (a) *The height does not comply with the Heritage Conservation Development Control Plan.*
- (b) *The front setback is not compliant with the Bowral Town Plan Development Control Plan.*
- (c) *The rear setback is not compliant with the Bowral Town Plan Development Control Plan.*
- (d) *The proposed development is incompatible with the Bowral Conservation Area Development Control Plan.*
- (e) *Traffic congestion in the Bowral and St Jude Streets precinct.*

**AMENDMENT** moved by Clr L A C Whipper and seconded by Clr I M Scandrett

THAT Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical Centre at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral be **DEFERRED** subject to the issues raised as part of the refusal being submitted to the applicant for consideration **AND THAT** the report be referred back to Council at a future meeting.

**THE AMENDMENT WAS PUT TO THE VOTE AND WAS LOST**

**VOTING ON THE AMENDMENT**

**For the Amendment:** Mayor T D Gair, Clr I M Scandrett and Clr L A C Whipper

**Against the Amendment:** Clr K J Halstead, Clr G Markwart, Clr G McLaughlin and Clr P W Nelson

**THE MOTION WAS PUT TO THE VOTE AND WAS PASSED**

**VOTING ON THE MOTION**

**For the Motion:** Clr K J Halstead, Clr G Markwart, Clr G McLaughlin and Clr P W Nelson

**Against the Motion:** Mayor T D Gair, Clr I M Scandrett and Clr L A C Whipper



**FORESHADOWED MOTION** moved by Cllr I M Scandrett and seconded by

1. THAT Development Application 17/1365 which seeks approval for demolition of two dwellings and erection of a Health Services Facility comprising Hospice and Medical Centre at Part Lot 13 Sec C DP 11838 and Lot 1 DP 323163, being 104-106 Bowral Street, Bowral be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report.
2. THAT such approval requires that the trees in the front setback be retained where not affected by the new works, in conjunction with Council's tree officer and planning staff.

**THE FORESHADOWED MOTION WAS UNNECESSARY AS THE MOTION WAS PASSED**

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Cllr G J Andrews returned to the meeting, the time being 4.52 pm.

## 11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

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## 12. OPERATIONS FINANCE AND RISK

### 12.1 Old Kangaloon Road Water Pipeline - Supply and Construction

Reference:	6330/18.12
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

#### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Old Kangaloon Road Pipeline - Supply and Construction project.

This matter is referred to Closed Council pursuant to Section 10A(2) of the *Local Government Act, 1993*, clause 10A(2)(d)(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The General Manager read the recommendation as contained within the Closed Council report.

#### **MN 410/18**

**MOTION** moved by Cllr L A C Whipper and seconded by Cllr I M Scandrett

**THAT** in relation to the report concerning Request for Tender for the Old Kangaloon Road Water Pipeline - Supply and Construction Project - Council adopts the recommendations contained within the Closed Council report – Item 22.1 **AND THAT** the General Manager read out the recommendation which Council has adopted, as follows:

1. **THAT** Council rejects all tenders received for Tender number 6330/18.6 under 178(1)(b) of the Local Government (General) Regulation 2005.
2. **THAT** Council does not invite new tenders for this project.

**PASSED**

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## 12.2 Civic Centre - Principal Design Consultant Tender

Reference:	6330/18.14
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

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### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Civic Centre – Principal Design Consultant.

This matter is referred to Closed Council pursuant to Section 10A(2) of the *Local Government Act, 1993*, clause 10A(2)(d)(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

The General Manager read the recommendation as contained within the Closed Council report.

### **MN 411/18**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr L A C Whipper

**THAT in relation to the report concerning Civic Centre – Principal Design Consultant - Council adopts the recommendations contained within the Closed Council report – Item 22.2 AND THAT the General Manager read out the recommendation which Council has adopted.**

**THAT Council accepts the tender from Figgis & Jefferson Tapa Pty Ltd at a Lump Sum of \$405,035.93 and schedule of rates submitted with tender to provide Principal Design Consultant services for the Civic Centre refurbishment project.**

**PASSED**

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## 12.3 Proposed Road Closure - Unformed Road off Penrose Road, Bundanoon

Reference:	PN1014200
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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### **PURPOSE**

The purpose of this report is to seek Council approval to invite an application to close part of the unformed segment of road off Penrose Road, Bundanoon adjoining 83 Penrose Road, Bundanoon.

### **MN 412/18**

**MOTION** moved by Cllr G McLaughlin and seconded by Cllr L A C Whipper

1. **THAT** Council invite a formal Application for Road Closure from the applicant (being the owner of 83 Penrose Road, Bundanoon) **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the Council public road adjoining 83 Penrose Road, Bundanoon.
3. **THAT** following public notice of the proposed closure, a further report be presented to Council to formally determine the application for closure of the segment of Council public road adjoining 83 Penrose Road, Bundanoon.
4. **THAT** the Administration Fee charged by Council be immediately reviewed and a report be referred to Council detailing the review of such fee.

**PASSED**

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## 12.4 Extended Leased Area of Part Road Reserve, Adjacent to Botanic Gardens Site, Old South Road, Bowral

Reference:	6500/22, 7452/1
Report Author:	Property and Project Officer
Authoriser:	Coordinator Property Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

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### **PURPOSE**

The purpose of this report is for Council to consider an extension of the area of unformed road to be leased to Southern Highlands Botanic Gardens Limited. The additional leased area is part of the unformed road reserve at Old South Road Bowral, adjoining the Southern Highlands Botanic Gardens site.

### **MN 413/18**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr G McLaughlin

1. **THAT** Council endorse the proposed extended leased area of the Lease of part unformed road being part Kangaloon & Old South Road, Bowral as shown in Attachment 1 to this report.
2. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to extend the leased area of the unformed road reserve at Old South Road, Bowral in relation to the Lease to Southern Highlands Botanic Gardens Limited **AND THAT** if any objections are received a further report be forwarded to a future Ordinary Meeting of Council following the period of public notice.

**PASSED**

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## 12.5 Triple Zero Challenge

Reference:	7420/3
Report Author:	Manager Assets
Authoriser:	Group Manager Assets and Project Delivery
Link to Community	
Strategic Plan:	Provide diversity in tourist attractions and experiences

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### **PURPOSE**

Reporting on the traffic arrangements for the Triple Zero Challenge.

### **MN 414/18**

**MOTION** moved by Cllr L A C Whipper and seconded by Cllr P W Nelson

**THAT** there is no objection to the traffic and parking arrangements proposed for the Triple Zero Challenge event on Sunday 21 October 2018 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event and Council's requirements for special events at Bradman Oval.

**PASSED**

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## 13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 13.1 Development Applications Determined from 5 September 2018 to 3 October 2018

Reference: 5302  
Report Author: Team Leader Business Support  
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

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#### **PURPOSE**

The purpose of this report is to update Councillors on Development Applications Determined for the period 5 September 2018 to 3 October 2018.

#### ***MN 415/18***

**MOTION** moved by Cllr G McLaughlin and seconded by Cllr G Markwart

***THAT the information relating to Development Applications Determined for the period 5 September 2018 to 3 October 2018 be received and noted.***

**PASSED**

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## 13.2 Development Applications Received from 5 September 2018 to 3 October 2018

Reference: 5302  
Report Author: Team Leader Business Support  
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

### PURPOSE

The purpose of this report is to update Councillors on the Development Applications received in the period from 5 September 2018 to 3 October 2018.

Interest: Cllr I M Scandrett declared a pecuniary interest in No 68 of this item as it involves modifications to his home. He left the Chamber, the time being 5.04 pm, took no part in the debate and refrained from voting on the matter.

Interest: Cllr K J Halstead declared a less than significant non-pecuniary interest in No 103 of this item as he and his wife are the owners of the property. He left the Chamber, the time being 5.04 pm, took no part in the debate and refrained from voting on the matter.

Interest: Mayor T D Gair declared a less than significant non-pecuniary interest in No 63 of this item as the property is owned by his son and daughter-in-law. He left the Chamber, the time being 5.04 pm, took no part in the debate and refrained from voting on the matter.

Cllr G McLaughlin moved into the Mayor's Chair for consideration of and voting on this matter.

### MN 416/18

MOTION moved by Cllr P W Nelson and seconded by Cllr L A C Whipper

1. **THAT the information relating to Development Applications Received from 5 September 2018 to 3 October 2018 be received and noted.**
2. **THAT further information be provided to Councillors via the Weekly Circular, for the following application:**
  - (a) **Application No 19/0517 - Item 85 - Indoor Recreation Facility - "Attunga", 2151 Tugalong Road Canyonleigh (Lot 1 DP 601590, Lot 3 DP 601372).**

**PASSED**

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Mayor T D Gair returned to the meeting, the time being 5.05 pm, and resumed the Chair.

Clr K J Halstead returned to the meeting, the time being 5.05 pm.

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**13.3 Section 4.55 Application LUA03/2011.05 to Modify Development Consent 03/2011 - Bulk Water Extraction and Storage Shed / Staff Amenities, Lot 85 DP 751275 and Lot 2 DP 531503, Wombeyan Caves Road, High Range**

**Reference:** LUA03/2011.05  
**Report Author:** Senior Development Assessment Planner  
**Authoriser:** Group Manager Planning, Development and Regulatory Services  
**Applicant:** Lee Environmental Planning  
**Owner:** Woodbine Park Nominees Pty Ltd  
**Link to Community Strategic Plan:** Conserve the key natural resources of the Shire and minimise the impact from development

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**PURPOSE**

This report details consideration of an application to modify development consent 03/2011, including the outcomes of a meeting between the applicant, objectors and Council officers. The modification application is to be determined by the Council because the original development application was determined by the Council, as was a previous application to modify the consent.

**Interest:** Clr G J Andrews declared a less than significant non-pecuniary interest in this item as one of the objectors ran second on his group for the 2016 election. He remained in the Chamber, took part in the debate and voted on the matter.

Clr I M Scandrett returned to the meeting at 5.06 pm.

The Acting Deputy General Manager Corporate, Strategy and Development Services addressed Council on this matter.

The General Manager left the Meeting at 5.06 pm.

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**VOTING ON THE MOTION**

Councillors are required to record their votes on this matter.

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**MN 417/18**

**MOTION** moved by Clr L A C Whipper and seconded by Clr G McLaughlin

**THAT modification application 03/2011.05 under section 4.55 (2) of the Environmental Planning and Assessment Act 1979 be approved subject to proposed draft conditions of development consent contained in Attachment 1 to the report.**

**AMENDMENT** moved by Clr G Markwart and seconded by Clr I M Scandrett

**THAT** the trial period for modification application 03/2011.05 under section 4.55 (2) of the Environmental Planning and Assessment Act 1979 be extended for three (3) months and during that trial period there be a minimum of 70% of the maximum traffic volumes per week **AND THAT** the records be made available to Council staff for consideration.

**THE AMENDMENT WAS PUT TO THE VOTE AND WAS LOST**

**VOTING ON THE AMENDMENT**

**For the motion:** Clr G Markwart, Clr G McLaughlin and Clr I M Scandrett

**Against the motion:** Clr G J Andrews, Mayor T D Gair, Clr K J Halstead, Clr P W Nelson and Clr L A C Whipper

**THE MOTION WAS PUT TO THE VOTE AND WAS PASSED UNANIMOUSLY**

**VOTING ON THE MOTION**

**For the Motion:** Clr G J Andrews, Mayor T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett and Clr L A C Whipper

**Against the Motion:** Nil

## 13.4 DA 18/0775 - Farm Building (Shed) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846

Reference:	18/0775
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Kathy Barnsley Architect Pty Ltd
Owner:	Ian Morris Scandrett
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

### PURPOSE

The purpose of this report is to consider Development Application 18/0775 which seeks approval for a farming building (shed), at Lot 1 DP 804846, being 144 Mt Broughton Road, Werai. Additionally, Councillors have previously resolved that any applications that have been lodged by a Councillor will be submitted to full Council for determination. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent.

Interest: Clr I M Scandrett declared a pecuniary interest in this item as it involves a 2-bay extension to his old dairy for the storage of his tractor and farm machinery. He left the Chamber, the time being 5.21 pm, took no part in the debate and refrained from voting on the matter.

The General Manager returned to the Meeting at this juncture.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### **MN 418/18**

**MOTION** moved by Clr L A C Whipper and seconded by Clr G J Andrews

**THAT** Development Application 18/0775 for a proposed Farm Building (Shed) at Lot 1 DP804846, No 144 Mt Broughton Street, Werai be APPROVED subject to conditions as described in Attachment 1 to the report.

**PASSED**

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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### VOTING ON THE MOTION

**For the Motion:** Clr G J Andrews, Mayor T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr L A C Whipper

**Against the Motion:** Nil

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Clr I M Scandrett returned to the meeting, the time being 5.23 pm.

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## 13.5 Planning Proposal - Development Standards for Dual Occupancy and Medium Density Development

Reference:	5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

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### PURPOSE

The purpose of this report is to enable Council to consider introducing minimum lot sizes for Dual Occupancy and Medium Density development into Wingecarribee Local Environmental Plan (WLEP) 2010.

The Coordinator Strategic Land Use Planning addressed Council on this matter.

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### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### **MN 419/18**

**MOTION** moved by Clr K J Halstead and seconded by Clr P W Nelson

1. **THAT** Council prepare a Planning Proposal to amend Wingecarribee Local Environmental Plan 2010 to introduce a minimum lot size of 1,000m<sup>2</sup> for dual occupancy development.
2. **THAT** the Planning Proposal be submitted to the Department of Planning and Environment for Gateway determination.

### **PASSED**

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### VOTING ON THE MOTION

**For the Motion:** Clr G J Andrews, Mayor T D Gair, Clr K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr I M Scandrett and Clr L A C Whipper

**Against the Motion:** Nil

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## 13.6 Draft Development Controls for Equestrian Facilities

Reference:	5700/61
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

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### PURPOSE

The purpose of this report is to enable Council to consider draft Development Control Plan (DCP) provisions for the assessment and determination of equestrian facilities in the rural and environmental protection zones.

It was noted that the recommendation in the report incorrectly stated that the public exhibition period would commence on Wednesday, 24 October 2017, and this should have stated 24 October 2018.

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### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### **MN 420/18**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr G J Andrews

1. **THAT** draft amendments to the Rural Lands Development Control Plan and Rural Living Development Control Plan be placed on public exhibition for a period of 28 days from Wednesday, 24 October 2018.
2. **THAT** a report be presented to Council at the conclusion of the exhibition period.

### **PASSED**

### VOTING ON THE MOTION

**For the Motion:** Cllr G J Andrews, Mayor T D Gair, Cllr K J Halstead, Cllr G Markwart, Cllr G McLaughlin, Cllr P W Nelson, Cllr I M Scandrett and Cllr L A C Whipper

**Against the Motion:** Nil



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COUNCIL MATTERS

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**MN 421/18**

**MOTION** moved by *Clr L A C Whipper* and seconded by *Clr G McLaughlin*

**THAT** Council move from Committee of the Whole back into Council, the time being 5.30 pm with the Mayor **Clr T D Gair** remaining in the Chair to conduct the remainder of Council Business.

**PASSED**

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## QUESTIONS FROM THE PUBLIC

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100/10, LSE17/007, RD1536, PN1765370

In accordance with the Code of Meeting Practice, the Group Manager Corporate and Community, read the Questions from the Public and the Replies

**Mr Mark Sainsbury asked:**

1. **LANDLOCKED PROPERTY**

In relation to property which becomes landlocked (ie, no natural or easement based access to a formal roadway) after a subdivision is registered:

- (i) What policy and/or procedure does Council undertake to provide that property with an access way to a roadway?
- (ii) Since it is not legally possible to give that access by way of an easement, what alternate permissions (eg, license) are possible?
- (iii) Does/Is Council required to obtain these permissions on behalf of the "landlocked" property?

**REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK**

These questions will be taken on notice and a written response will be provided to Mr Sainsbury.

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## 1314.CORPORATE STRATEGY AND DEVELOPMENT SERVICES (CONT)

### 13.7 Councillor Representatives on Committees

<b>Reference:</b>	<b>107</b>
<b>Report Author:</b>	<b>Senior Governance Officer</b>
<b>Authoriser:</b>	<b>Acting Deputy General Manager Corporate, Strategy and Development Services</b>
<b>Link to Community Strategic Plan:</b>	<b>Empower our community to advance agreed priorities, address emerging issues and collaboratively explore new ideas to improve the Shire</b>

#### PURPOSE

The purpose of this report is to appoint Councillor representatives to advisory committees.

**MN 422/18**

**MOTION** moved by *Clr G McLaughlin* and seconded by *Clr L A C Whipper*

- THAT Council appoints Councillor representatives to committees for a two (2) year period, as follows:**

Committee	Councillor Membership	Councillor/s Elected
Arts and Culture Committee	Three Councillor Representatives	<b>Chair:</b> Clr L A C Whipper <b>Alternate Chair:</b> Clr G J Andrews <b>Councillor:</b> Clr P W Nelson
Community Assistance Scheme	Arts and Culture, Community Development, Sport and Recreation Committee chairs, plus one other Councillor as Chair	<b>Chair:</b> Mayor T D Gair <b>Chair of Arts and Culture/Chair of Community Development:</b> Clr L A C Whipper <b>Chair of Sport and Recreation:</b> Clr G J Andrews
Community Development Committee	Four Councillor Representatives	<b>Chair:</b> Clr L A C Whipper <b>Alternate Chair:</b> Clr G J Andrews <b>Councillor:</b> Clr G M Turland and Clr G Markwart
Demographics and Housing Committee ( <b>Meetings to be held six-monthly</b> )	Three Councillor Representatives	<b>Chair:</b> Clr G Markwart <b>Alternate Chair:</b> Clr I M Scandrett <b>Councillor:</b> Clr L A C Whipper
Environment and Sustainability Committee	Three Councillor representatives	<b>Chair:</b> Clr L A C Whipper <b>Alternate Chair:</b> Clr G Markwart

## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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Committee	Councillor Membership	Councillor/s Elected
General Manager's Performance Review Committee	Mayor, Deputy Mayor Council-appointed Councillor and a General Manager selected Councillor	<b>Chair:</b> Mayor T D Gair <b>Deputy Mayor:</b> Clr G M Turland <b>Councillor:</b> Clr P W Nelson <b>General Manager appointed Councillor:</b> Clr G Markwart
Illawarra Academy of Sport	One Councillor representative	<b>Councillor:</b> Clr G J Andrews <b>Alternate:</b> Clr G M Turland <b>Second Alternate:</b> Clr P W Nelson
Local Traffic Committee	Two Councillor representatives	<b>Chair:</b> Clr K J Halstead <b>Alternate Chair:</b> Mayor T D Gair

Clr I M Scandrett indicated that he would like to nominate himself for the Audit, Risk and Improvement Committee.

The Mayor T D Gair indicated that he would nominate Clr G Markwart and the nomination was seconded by Clr G McLaughlin.

Clr I M Scandrett's nomination was seconded by Clr P W Nelson.

The Mayor T D Gair called for a show of hands and Clr G Markwart was duly elected to the Audit, Risk and Improvement Committee.

Committee	Councillor Membership	Councillor/s Elected
Audit, Risk and Improvement Committee	Two Councillor representatives	<b>Councillor:</b> Clr P W Nelson and Clr G Markwart
Southern Highlands Community Transport	One Councillor representative	<b>Councillor:</b> Clr G M Turland <b>Alternate Councillor:</b> Clr P W Nelson
Southern Region Livestock Exchange (SRLX) Committee	Three Councillor representatives	<b>Chair:</b> Mayor T D Gair <b>Alternate Chair:</b> Clr G M Turland <b>Councillor:</b> Clr K J Halstead
Sport and Recreation Committee	Three Councillor representatives	<b>Chair:</b> Clr G J Andrews <b>Alternate Chair:</b> Clr G M Turland <b>Councillor:</b> Clr G McLaughlin
Tulip Time Reference Group	Three Councillor representatives	<b>Chair:</b> Clr G M Turland <b>Alternate Chair:</b> Clr P W Nelson <b>Councillor:</b> Clr G McLaughlin
Water and Sewer Committee	Three Councillor Representatives	<b>Chair:</b> Clr G M Turland <b>Alternate Chair:</b> Clr K J Halstead <b>Councillor:</b> Mayor T D Gair
Wingecarribee Community Safety Committee	Three Councillor representatives	<b>Chair:</b> Mayor T D Gair
Wingecarribee Floodplain Risk Management Committee	Two Councillor representatives	<b>Chair:</b> Clr K J Halstead <b>Alternate Chair:</b> Clr P W Nelson

2. **THAT Council staff arrange a Councillor briefing session to allow Councillors to consider the future of the Economic Development and Tourism Advisory Committee.**
3. **THAT Council review the Terms of Reference for the Heritage Advisory Committee prior to the re-establishment of the Committee.**

**PASSED**

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## 13.8 Register of Returns Disclosing Interests of Councillors and Designated Persons

**Reference:** 101/3, 103/12, 1420/19  
**Report Author:** Senior Governance Officer  
**Authoriser:** Acting Deputy General Manager Corporate, Strategy and Development Services  
**Link to Delivery Program:** An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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### **PURPOSE**

To table the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2018, as required by section 449 of the *Local Government Act 1993*.

### **MN 423/18**

**MOTION** moved by Cllr I M Scandrett and seconded by Cllr P W Nelson

**THAT** the information in the report in relation to the Register of Returns Disclosing Interests of Councillors and Designated Persons as at 30 September 2018 be received and noted.

**PASSED**

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## 13.9 Request for Financial Assistance from Southern Highlands Domestic Violence Forum Golf Day

Reference: 1800/9 1732/3  
Report Author: Coordinator Community Development  
Authoriser: Acting Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan: Enhance partnerships to maintain a safe community

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### **PURPOSE**

The purpose of this report is to seek Council's position on a request from the organisers of the Southern Highlands Domestic Violence Forum Golf Day for Council's financial assistance and sponsorship.

### **MN 424/18**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr G McLaughlin

**THAT Council approves the sum of \$2,000 to the Southern Highlands Domestic Violence Forum and the local White Ribbon Day Ambassador for organising a Golf Day to be held at the Highlands Golf Club, Mittagong on 25 November 2018 AND THAT funds be allocated from Council's Contingency Fund.**

**PASSED**

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## 13.10 Request for a Refund of Development Fees by Uniting Church in Australia Mittagong Congregation

**Reference:** 17/0294.03  
**Report Author:** Team Leader Business Support  
**Authoriser:** Group Manager Planning, Development and Regulatory Services

**Link to Community Strategic Plan:** Work collaboratively to address social disadvantage

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### **PURPOSE**

The purpose of this report is to consider a request by the Uniting Church in Australia Mittagong Congregation for a refund of Development Application and Construction Certificate Fees pertaining to DA 17/0294.

As the application relates to a charity organisation, Council's adopted revenue policy provides via Council resolution a partial refund of the development fees upon application. Refunds of fees for charitable and not for profit organisations are sourced from the mayoral contingency fund.

The Acting Deputy General Manager Corporate, Strategy and Development Services addressed Council on this matter.

**MOTION** moved by *Clr I M Scandrett* and seconded by

THAT Council approves the refund of \$963.40 in development fees to the Uniting Church in accordance with section 23.5 of the Revenue Policy (Fees and Charges 2018/2019) AND THAT it be funded from the Contingency Fund.

### **THE MOTION LAPSED THROUGH THE WANT OF A SECONDER**

***MN 425/18***

**MOTION** moved by *Clr G J Andrews* and seconded by *Clr G McLaughlin*

**THAT** Council approves the refund of \$500.00 in development fees to the Uniting Church in accordance with section 23.5 of the Revenue Policy (Fees and Charges 2018/2019) **AND THAT** it be funded from the Contingency Fund.

**PASSED**

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## 14. GENERAL MANAGER

There were no General Manager reports at this Meeting.

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## **1515.DELEGATE REPORTS**

There were no Delegate Reports at this Meeting.

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## **16. PETITIONS**

There were no Petitions at this Meeting.

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## **17. CORRESPONDENCE FOR ATTENTION**

There was no Correspondence for Attention at this Meeting.

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## 18. COMMITTEE REPORTS

### 18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018

Reference:	2102/3
Report Author:	Senior Governance Officer
Authoriser:	Acting Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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#### **PURPOSE**

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018.

#### **MN 426/18**

**MOTION** moved by Mayor T D Gair and seconded by Cllr I M Scandrett

**THAT** recommendations Nos AR 25/18 to AR 32/18 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 14 September 2018 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

**PASSED**

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## **19. QUESTIONS WITH NOTICE**

There were no Questions with Notice at this Meeting.

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## **20. NOTICES OF MOTION**

There were no Notices of Motion at this Meeting.

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## 21. GENERAL BUSINESS

Clr L A C Whipper left the chambers, the time being 6.07 pm.

### 1. INFORMATION FROM DEPARTMENT OF LOCAL GOVERNMENT 202

Clr P W Nelson referred to the Department of Local Government information regarding Facebook and asked if Clr I M Scandrett had amended his Facebook entry concerning Lehman Bros CDO and Trust, particularly referring to some \$85 million, which is incorrect.

Clr I M Scandrett advised that he is awaiting information from staff in relation to the matter. He advised that he requested facts and figures but he had not had a response to his email.

The Mayor T D Gair advised that Clr Scandrett leaving on a public Facebook page an incorrect amount of money is misleading and deceptive and puts the Council in a light that it does not deserve to be in.

Clr K J Halstead advised that the behavior is reprehensible, in his opinion. He advised that Councillors were briefed about all the investments made with Lehman Bros by the previous Council from 2004 to 2008, and that Clr Scandrett is quoting incorrect figures.

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### 2. REGIONAL ART GALLERY 1652

Clr G Markwart advised that Mr Ben Quilty made some statements to 2ST about increasing the amount of money that Council would put to the Regional Art Gallery. He asked if Council knows anything about this officially.

The General Manager advised absolutely not.

The Mayor T D Gair advised that he has not been contacted but had heard comments over the radio from somebody from the State Heritage Committee, but that nothing official had come to Council at this stage.

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### 3. BUSINESS ARISING 101, 101/5

Clr G McLaughlin advised that Clr Scandrett noted in Business Arising at the last meeting that the matter of signing the Statutory Declaration was at an end, and asked if Clr Scandrett had signed the Statutory Declaration, as he did not quite understand this.

Clr I M Scandrett asked why this was not raised in Business Arising. He advised that the Statutory Declaration was from Clr Turland relating to an email sent by Clr Turland to staff and Councillors on official Council email but it relates to a private matter that has nothing to do with Council.

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Clr L A C Whipper returned to the meeting, the time being 6.11 pm.

## **22. CLOSED COUNCIL**

### **NO CLOSED SESSION AT THIS MEETING**

107/9

There was no Closed Session at this Meeting as the items were dealt with in Open Council.

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## 22.1 Old Kangaloon Road Water Pipeline - Supply and Construction

<b>Reference:</b>	<b>6330/18.12</b>
<b>Report Author:</b>	<b>Senior Project Manager</b>
<b>Authoriser:</b>	<b>Manager Project Delivery</b>
<b>Link to Community Strategic Plan:</b>	<b>Effective and efficient Council service delivery is provided within a framework that puts the customer first</b>

This matter was dealt with earlier in the Meeting (refer MN 410/18 on page 15).

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## 22.2 Civic Centre - Principal Design Consultant Tender - Closed

<b>Reference:</b>	<b>6330/18.4</b>
<b>Report Author:</b>	<b>Senior Project Manager</b>
<b>Authoriser:</b>	<b>Manager Project Delivery</b>
<b>Link to Community Strategic Plan:</b>	<b>Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another</b>

This matter was dealt with earlier in the Meeting (refer MN 411/18 on page 16).

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## 23. RESUMPTION OF OPEN AGENDA

107/10

Not required at this Meeting.

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## ADOPTION OF CLOSED COUNCIL

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107/9

Not required at this Meeting.

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## 24. ADOPTION OF COMMITTEE OF THE WHOLE

107/10

**MN 427/18**

**MOTION** moved by Clr G McLaughlin and seconded by Clr L A C Whipper

**THAT** the recommendations of the Committee of the Whole held on Wednesday, 10 October 2018 being MN 409/18 to MN 421/18 be adopted.

**PASSED**

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## **25. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.12 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 10 October 2018 numbered M/N 406/18 to M/N 427/18 were signed by me hereunder at the Council Meeting held on Wednesday 24 October 2018.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 24 OCTOBER 2018**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER